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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013 - 551*

13 **LEAH SUZANNE MARETT**
6800 Arapaho Road, Apt. 1014
Dallas, TX 75248

A C C U S A T I O N

14 **Registered Nurse License No. 654897**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about March 22, 2005, the Board issued Registered Nurse License Number
22 654897 to Leah Suzanne Marett ("Respondent"). The license was in full force and effect at all
23 times relevant to the charges brought herein. The license expired on January 31, 2011, and has
24 not been renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 **STATUTORY PROVISIONS**

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse or
10 deny an application for a certificate or license for the following:

11 (a) Unprofessional conduct.

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

15 **COST RECOVERY**

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Out-of-State Discipline)**

22 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
23 March 20, 2012, pursuant to an Agreed Order issued by the Texas State Board of Nursing, in a
24 disciplinary proceeding titled, *In the Matter of Registered Nurse License Number 555039 Issued*
25 *to Leah Suzanne Marett*, Respondent received a sanction, including conditions and stipulations.
26 The Order was based on numerous Findings of Fact, including the following: While employed as
27 a Staff Nurse at HCA Medical City Hospital, located in Dallas, Texas, Respondent adjusted
28 (thinned out) an infant's formula for feeding against the physician's orders and failed to

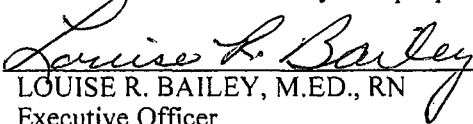
1 document that adjustment in the patient's medical records. In addition, Respondent failed to
2 ensure the safety of an infant, in that when Respondent was weighing the infant on a scale, the
3 infant fell from the scale while Respondent was reaching for supplies. The Agreed Order is
4 attached hereto as **Exhibit A** and incorporated herein by reference.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 654897, issued to Leah
9 Suzanne Marett;
10 2. Ordering Leah Suzanne Marett to pay the Board of Registered Nursing the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: JANUARY 17, 2013


14 LOUISE R. BAILEY, M.ED., RN
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 555039	§	
issued to LEAH SUZANNE MARETT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEAH SUZANNE MARETT, Registered Nurse License Number 555039, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 8, 2012, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associates Degree in Nursing from Alvin Community College, Alvin, Texas, on May 1, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 25, 1989.
5. Respondent's nursing employment history includes:

08/1989 - 04/1994

Staff Nurse

Texas Children's Hospital
Houston, Texas

Respondent's nursing employment history continued:

06/1994 - 07/1996	Unknown	
08/1996 - 06/2004	Staff Nurse	Woman's Hospital of Texas Houston, Texas
06/2004 - 01/2005	Agency Nurse	Nurse's Rx Houston, Texas
01/2005 - 01/2008	Staff Nurse	Woman's Hospital of Texas Houston, Texas
02/2008 - 05/2008	Agency Nurse	Strategic Nurse Staffing Houston, Texas
06/2008 - 02/2009	Agency Nurse	Cross Country Trav-Corps Boca Raton, Florida
02/2009 - Unknown	Agency Nurse	Pulse Medical Staffing Houston, Texas
04/2009 - 11/2009	Staff Nurse	HCA Medical City Hospital Dallas, Texas
02/2010 - Unknown	Agency Nurse	Advantage Nursing Services Dallas, Texas
06/2010 - Unknown	Agency Nurse	Cross Country Trav-Corps Boca Raton, Florida

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with HCA Medical City Hospital, Dallas, Texas, and had been in this position for seven (7) months.
7. On or about October 14, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent thinned the formula for feeding of Patient Medical Record Number 01162270 against the physician's order which was in place, and then failed to document her actions. Respondent's conduct may have put the patient at risk for the aspiration of formula into the patient's lungs and may have deprived the subsequent healthcare providers of essential information on which to base their ongoing medical care.

8. On or about October 21, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent failed to ensure the safety of infant Medical Record Number 01146672 when she was weighing the infant on a scale, in that the infant fell from the scale while she was reaching for supplies. Although the infant did not sustain any injuries, Respondent's conduct put the patient at risk of experiencing physical harm from the fall.
9. In response to Findings of Fact Numbers Seven (7) through Eight (8), Respondent states that she thinned the formula because the infant was having difficulty completing the feeding due to the thickness of the formula. According to Respondent, she added approximately one to two milliliters of additional formula to the bottle in an attempt to thin the mixture slightly and since this was a minor adjustment, she did not feel like she needed to consult with the nurse practitioner on duty. Respondent admits that "unfortunately" she neglected to chart her actions. Respondent explains that the infant that fell from the scale had a double-booted foot brace with a large, heavy stainless-steel bar attached to both shoes. Respondent contends that when she was attempting to do evening care, as she could not reach the infant in his crib, so she placed the baby on the scale which was open-ended. Respondent states that the infant suddenly kicked and pushed himself off of the end of the scale and fell into the open drawer of his bedside table which contained only linens. Respondent states that she promptly called the charge RN and the MD.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(N)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 555039, heretofore issued to LEAH SUZANNE MARETT, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice,

documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-*

approved courses may be found at the following Board website address:

<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present

a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided

to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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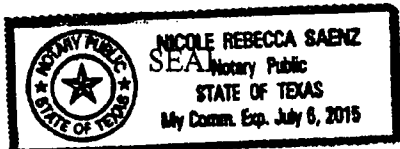
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of February, 20 12.
Leah Suzanne Maret
LEAH SUZANNE MARETT, Respondent.

Sworn to and subscribed before me this 15 day of February, 20 12.



Nicole Rebecca Saenz
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of February, 2012, by LEAH SUZANNE MARETT, Registered Nurse License Number 555039, and said Order is final.

Effective this 20th day of March, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board